UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/ESP/3
25 July 1996
ENGLISH
ORIGINAL: SPANISH

COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
(CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Third periodic reports of States parties

SPAIN*

* For the initial report submitted by the Government of Spain, see CEDAW/C/5/Add.30 and Add.30/Amend.1; for its consideration by the Committee, see CEDAW/C/SR.89 and 92, and Official Records of the General Assembly, Forty-second Session, Supplement No. 38 (A/42/38), paras. 238-304. For the second periodic report submitted by the Government of Spain, see CEDAW/C/13/Add.19 and Add.19/Amend.1; for its consideration by the Committee, see CEDAW/C/SR.201 and Official Records of the General Assembly, Forty-seventh Session, Supplement No. 38 (A/47/38), paras. 303-373.

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GENERAL FRAMEWORK

The Spanish Constitution of 1978 is the basic point of reference for the equality of men and women in recent Spanish history.

In the 1980s article 14 of the Constitution on equality of the sexes was and continues to be the basic factor in achieving the reforms undertaken at a social, cultural, economic, political and legal level.

Developing that principle of the Constitution was the reason for setting up the Institute for Women's Issues in 1983, an independent body whose fundamental goal is to promote and foster conditions which make possible the equality of both sexes in society and participation by women in political, cultural, economic and social life (Act No. 16/1983, article 2).

One of the mechanisms available to the Institute were the two Plans of Action for Equal Opportunities for Women, which all ministerial departments undertook to implement.

During the period since the previous report, Spain's legal system has continued to be modified, partly through implementation of the first Plan of Action for Equal Opportunities for Women, 1988-1990, adopted by the Council of Ministers on 25 September 1987, and partly through implementation of the second Plan of Action for Equal Opportunities for Women 1993-1995, adopted on 15 January 1993.

The development of the autonomous states as provided for in the Constitution has led to the establishment of a network of specific autonomous institutions for women which have in many cases produced their own plans for equality.

In addition, some regional or municipal governments have departments for women's issues which provide advice and/or resources on social affairs.

With regard to the question of whether the Convention on the Elimination of All Forms of Discrimination against Women may be invoked in administrative tribunal proceedings, it should be pointed out that article 96.1 of the Spanish Constitution states that validly concluded treaties, once officially published in Spain, shall form part of the internal legal order. A growing body of legislation and regulations has been developed as necessary in order to implement the provisions of the Convention. In 1992 the Institute for Women's Issues prepared and published the "Code for Women", which contains the legislation in force as at 30 June 1991. Moreover, since the previous report was prepared in 1990, this report takes into account new legislation or reforms introduced since that date in areas related to the Convention.

The report is divided into sections which correspond to the various articles of the Convention. Each section contains, where appropriate, any legislation or modifications implemented between 1991 and March 1996; statistical tables have been included as complementary information.

I. ARTICLES 1 TO 6

I.1. Legislative measures

The following articles of the 1978 Spanish Constitution, which are of fundamental importance because they lay down the principle of equal treatment for men and women, are particularly noteworthy:

Article 9.2: "It is incumbent upon the public authorities to promote conditions which ensure that the freedom and equality of individuals and of the groups to which they belong are real and effective, to remove obstacles which prevent or hinder their full enjoyment, and to facilitate participation by all citizens in political, economic, cultural and social life."

Article 10.1: "The dignity and the inviolable and inherent rights of the human person, the free development of his or her personality, and respect for the law and the rights of others are fundamental to political order and social peace."

Article 10.2: "The principles relating to the fundamental rights and liberties recognized by the Constitution shall be interpreted in conformity with the Universal Declaration of Human Rights and the international treaties and agreements thereon ratified by Spain."

Article 14 is the nucleus for each and every fundamental right set out in the Constitution, while the articles set out thereafter have special significance for women:

Article 14: "Spaniards are equal before the law and may not in any way be discriminated against on account of birth, race, sex, religion, opinion or any other condition or personal or social circumstance."

Article 23.1: "Citizens have the right to participate in public affairs, directly or through their representatives freely elected in periodic elections by universal suffrage."

Article 23.2: "They likewise have the right to access on equal terms to public office, in accordance with the requirements to be provided by law."

Article 27.1: "Everyone is entitled to education. Freedom of instruction is recognized."

Article 32.1: "Men and women are entitled to marry on a basis of full legal equality."

Article 32.2: "The law shall regulate the forms of marriage, the age at which it may be entered into and the required capacity therefor, the rights and duties of the spouses, the grounds for separation and dissolution, and the consequences thereof."

Article 35.1: "All Spaniards have the duty to work and the right to employment, to free choice of profession or trade, to advancement through their

work, and to sufficient remuneration for the satisfaction of their needs and those of their families; moreover under no circumstances may they be discriminated against on account of their sex."

Article 39.1: "The public authorities shall ensure the social, economic and legal protection of the family."

Article 39.2: "The public authorities likewise shall ensure full protection of children, who shall be equal before the law, irrespective of their parentage, and of mothers, whatever their marital status. The law shall provide for the investigation of paternity."

Article 39.3: "Parents must provide their children whether born in or out of wedlock, with assistance of every kind while they are still under age and in other circumstances in which the law is applicable."

Legal protection

The Constitution establishes a specific preferential and summary procedure for the protection and defence of the fundamental rights and freedoms granted to all citizens. The procedure in question is set out in article 53:

Article 53.1: "The fundamental rights and freedoms recognized in Chapter Two of the present Title are binding on all public authorities. The exercise of such rights and freedoms, which shall be protected in accordance with the provisions of Article 161, 1 (a), may be regulated only by law, which shall in any case respect their essential content."

Article 53.2: "Any citizen may assert a claim to the protection of the rights and freedoms recognized in article 14 and in Section 1 of Chapter Two, by means of a preferential and summary procedure in the Ordinary Courts and, where appropriate, by filing an application for amparo (enforcement of constitutional rights) with the Constitutional Court."

Provisions guaranteeing women's employment rights in the courts are set out in the Labour Procedure Act adopted by Royal Legislative Decree No. 2/1995, of 7 April. Article 96 of the Act provides for the reversal of the burden of proof in proceedings where reasonable indications of discrimination on the basis of sex are found. Moreover, in such proceedings the body having jurisdiction may request an opinion from the competent public institutions. Such a request for an expert opinion may be required whenever the judge or court consider it appropriate, but it should be noted that article 95.3 makes a specific reference to proceedings during which the question of sex discrimination might have been raised.

These same articles were already contained in the text of the Labour Procedure Act adopted by Royal Legislative Decree No. 521/1990, of 27 April.

Public institutions

With regard to the obligation of public institutions to act in accordance with the provisions of the Convention, the powers of the autonomous communities

in the area of equal opportunity policies have continued to grow in the period under review.

It will be seen below that all the autonomous communities have some public body responsible for ensuring that all forms of discrimination are truly eliminated, as well as for taking whatever steps are required to bring about real equality in all areas of public, economic, cultural and social life.

Decree No. 3/1989 of 19 January established the Women's Directorate-General of the Madrid Autonomous Community, reporting to the Office of the President.

Act No. 11/1989 of 10 July set up the Catalan Institute for Women's Issues in the Autonomous Government of Catalonia.

In the Autonomous Community of Castilla-La Mancha, Decree No. 127/1990 of 27 November established the Division for Women's Issues, a Social Welfare Office.

In 1990, the Directorate-General for Social Services of the Autonomous Community of Castilla y León adopted the Regional Plan for Equality, by means of Decree No. 283/1990 of 27 December. It also adopted the comprehensive Plan of Action for Equal Opportunities for Women by means of Decree No. 53/1994 of 3 March.

By adopting Act No. 3/1991 of 14 January, the Autonomous Community of Galicia set up the Galician Service for the Promotion of Equality of Men and Women.

The Chartered Community of Navarra established a Subdirectorate-General for Women's Issues by means of Charter Decree No. 367/1991 of 30 September.

The Autonomous Community of the Region of Murcia set up the Women's Directorate-General by means of Decree No. 95/1991 of 10 October. It also set up the Regional Advisory Committee on Women's Issues to cooperate with and advise the Women's Directorate-General in developing a plan for equal opportunities for women.

The Valencian Autonomous Community set up the Valencian Institute for Women's Issues by means of Act No. 5/1992 of 30 June.

The Autonomous Community of Aragon set up the Aragonese Institute for Women's Issues by means of Act No. 2/1993 of 19 February.

The Regional Women's Directorate was established by the Principality of Asturias by means of Decree No. 37/1993 of 1 July.

Lastly, the Autonomous Community of the Canary Islands adopted Act No. 1/1994 of 13 January 1994, establishing the Canary Islands Institute for Women's Issues.

Affirmative action measures

Some of the major affirmative action measures adopted pursuant to article 9.2 of the 1978 Constitution are as follows:

Act No. 10/1994 of 19 May on urgent job promotion measures, published on 23 May 1994, continues the public funding established earlier by Act No. 22/1992 of 30 July on urgent measures to promote employment and provide unemployment protection, which had established a government programme to promote hiring on indefinite contracts, with 500,000 pesetas earmarked (sixth additional provision) for promotion of the recruitment of women in professions in which they are under-represented.

The professions in which women are considered to be under-represented were established by an Order of 6 August 1992.

In addition, under Royal Decree 631/1993 of 3 May governing the National Vocational Training and Employment Plan, preference for participation in measures under the plan is to be given to unemployed persons with particular difficulties in entering or re-entering the labour market, especially women who wish to rejoin the workforce, disabled persons and migrant workers.

In implementation of the Second Plan of Action for Equal Opportunities for Women (1993-1995) and in accordance with its objective 3.8, an Order of 29 July 1994 was issued, announcing scholarships for women offering internships in businesses belonging to the INI/TENEO Group, aimed at encouraging affirmative action in business through various initiatives including the design and implementation of a pilot affirmative action programme in public enterprises to serve as an incentive and a model for other initiatives of this type.

An Order of 25 May 1995 regulates State funding for activities promoting and developing affirmative action in universities as a way of encouraging the principle of equal opportunity for women, in accordance with standards of competitiveness and vacancy announcement procedures.

Also, in implementation of objective 3.9.2 of the Second Plan of Action for Equal Opportunities for Women, Spain is carrying out various programmes that have evolved out of community initiatives (community human resources initiative, NOW HORIZON).

In addition, the Institute for Women's Issues finances management courses offered by the Escuela de Organización Industrial for women entrepreneurs, both those wishing to start up businesses and those already in management.

Since 1990 there has been an agreement that the Institute for Women's Issues in the Ministry of Social Affairs will cooperate with the Ministry of Education in holding an annual course to encourage the involvement of women teachers in the new technologies, a field in which women are under-represented.

It should be borne in mind that the autonomous communities have under way a large number of affirmative action programmes directed towards women, to encourage employment and training.

Penal reforms

Organic Law No. 10/1995 of 23 November promulgates the new text of the Criminal Code, which, however, will not enter into force until 25 May 1996.

The explanatory statement introducing the new Code indicates in the meantime that in this text the aim has been to advance towards real and effective equality, in keeping with the duty to do so which the Constitution imposes on public authorities. Certainly the Criminal Code is not the best instrument for accomplishing this task; however, it can contribute by eliminating regulations which impede its achievement or by introducing safeguards against discriminatory situations. In addition to norms granting specific protection against actions giving rise to discrimination, mention must here be made of the new provisions regulating offences against sexual freedom. For the first time, sexual harassment is defined as a violation of sexual freedom.

Also worthy of note is the revision of article 227, introduced in 1989, which dealt with the offence of non-payment of child support and included provisions defining the offence that did not protect children born out of wedlock. While this is clearly not discrimination directed against women, it does discriminate against them indirectly since most such minors live with the mother.

On the question of prostitution, a new regulation has been passed definitively repealing, together with all subsequent amendments and supplementary provisions, Act No. 16/1970 of 4 August on prostitution as a danger to society and on social rehabilitation.

Penalties are imposed on any person who induces, promotes, favours or facilitates the prostitution of a minor or a mentally deficient person, with higher penalties for those who take advantage of their position as public authorities, officials or civil servants to commit such acts.

Moreover, penalties are imposed on any person who persuades an adult, through complicity or using trickery or taking advantage of a situation of need or superiority, to enter into prostitution or continue practising it. The penalty is more severe when the perpetrators take advantage of their position as public authorities, officials or civil servants to commit such acts. When such acts are directed towards a minor or a mentally deficient person, the heaviest penalty is to be imposed.

In addition, the new Criminal Code, like the Code now in force, imposes a penalty - but an amended one - on any person with a minor or a mentally deficient person under his or her parental authority or guardianship, or in his or her custody or foster care, and who, when apprised of the latter's prostitution, does not do everything in his or her power to prevent its continuation, or does not turn to the authorities for help if he or she lacks the means for the latter's safekeeping. The major innovation of the new text consists in making the Ministry of Justice responsible for taking the necessary steps to strip the person who is guilty, on either count, of his or her parental authority, guardianship, custody or foster care.

Lastly, article 314 of the new Criminal Code imposes a penalty, in the matter of offences against the rights of workers, on persons who are guilty of serious discrimination in public or private employment against any person on the grounds of opinion, religion or belief, ethnicity, race or nationality, gender, sexual orientation, family situation, ill health, disability, avowed legal or trade union representation of workers, being related to other staff members, or use of any of the official languages of the Spanish State. Such employers who do not restore the situation of equality before the law by issuing an administrative order or penalty and making compensation for any damages that may have been incurred shall be sentenced to imprisonment for six months to two years or, alternatively, a fine in place of a sentence of six to twelve months.

Spain recently adopted Act No. 35/1995 of 11 December on aid and assistance to victims of violent crimes or violations of sexual freedom, which establishes public assistance to the direct or indirect victims of wilful, violent wrongs resulting in death, serious bodily harm or serious damage to physical or mental health. Provision is made for assistance to victims of violations of sexual freedom even if no violence is involved.

I.2. Trends in the status of women

Article 5

Various publicity campaigns have been conducted in the media aimed at changing stereotypical gender-based social and cultural patterns and encouraging shared family responsibilities.

During the period in which the Second Plan of Action for Equal Opportunities for Women (1993-1995) was being put into effect, inter alia, two publicity campaigns, were conducted, 41 press releases were issued and 43 training programmes and seminars were offered, to raise public awareness about this social problem.

Article 6

In 1995, there were three shelters in Spain specifically for the rehabilitation of female prostitutes, situated in Andalusia, Madrid and Navarra. There were a total of 75 shelters in the system as a whole, 60 of which were for battered women and 12 for single women.

In addition, as part of the activities to implement the Second Plan of Action for Equal Opportunities for Women, a research project by the University of Castilla-La Mancha on victimology and prostitution was financed, and non-governmental organizations were given grants for the prevention of female prostitution and the care and rehabilitation of female prostitutes.

The reported crimes of rape declined between 1991 and 1995, from 1,936 to 1,723. Crimes of sexual assault rose from 2,282 to 3,055 (table 6.1).

Table 6.1. Known crimes of rape or sexual assault

Year	Rapes	Assaults
1991	1 936	2 282
1992	1 599	2 335
1993	1 563	2 509
1994	1 603	2 614
1995	1 723	3 055

Source: Calculations based on data provided by the Ministry of the Interior.

II. ARTICLES 7 TO 9

II.1. Legislative measures

Nationality

In Spain, marriage to a foreign spouse does not incur loss of nationality.

The latest amendments to the Civil Code are to be found in Act No. 18/1990 of 17 December and Act No. 15/1993 of 23 December. Act No. 18/1990 offers the possibility of opting for Spanish nationality based on origin in the case of persons who are not Spanish nationals but would be such under the new regulation, and in the case of the offspring of fathers or mothers who would have been Spanish nationals by origin, within a given period subsequently extended to 7 January 1996 by Act No. 15/1993.

Act No. 29/1995 of 2 November amends article 26 of the Civil Code, and establishes the requirements for restoration of nationality.

Furthermore, it should be noted that some of the rules of the Registry Office were amended in 1986 and 1993 to bring them into line with the amendments made in the matter of filiation and respect for the constitutional principle of full gender equality.

II.2. Trends in the status of women

Article 7

Taking as a point of reference the latest general elections to the Congress and the Senate, to the autonomous parliaments and to the municipal governments, a number of developments will be noted:

In the general elections, the overall representation of women in Spain's Congress of Deputies rose from 55 female deputies in 1993-1996 to 77 in 1996-2000. In percentages, this was an increase from 15.7 per cent to 22 per cent of the total number of deputies, equivalent to 40 per cent of the total number of members of Parliament in the previous legislature.

In 1995, 19.6 per cent of the members of the autonomous parliaments were women; this was more than five points above the percentage for 1993 (14.2 per cent). In 1993 there were 168 women members of the autonomous parliaments (87 more than after the previous elections), and in 1995 the number rose to 231.

The communities in which the number of women members of parliament was above the national mean are the Balearic Islands (28.8 per cent), Andalusia (28.4 per cent), Madrid (28.1 per cent), Valencia (24.7 per cent), Castilla-La Mancha (23.4 per cent) and La Rioja (21.2 per cent). The lowest number of women was in Murcia (11.1 per cent).

Compared to the situation in 1993, there was an increase in all the communities except Asturias in absolute terms and, with the exception of Extremadura, in percentages. The greatest increase was in Andalusia, where the number rose from 12.8 per cent to 28.4 per cent. There was no change in either Murcia or Navarra (table 7.1).

Table 7.1. Female participation in the autonomous parliaments

	1993			1995		
Community	Women	Percentage of women	Men	Women	Percentage of women	Men
Andalusia	14	12.84	95	31	28.44	78
Aragon	5	7.46	62	8	11.94	59
Asturias	8	17.78	37	7	15.56	38
Balearic Islands	11	18.64	48	17	28.81	42
Canary Islands	4	6.67	56	8	13.33	52
Cantabria	2	5.00	38	6	15.38	33
Castilla-León	8	9.52	76	16	19.05	68
Castilla-La Mancha	9	19.15	38	11	23.40	36
Catalonia	18	13.33	117	21	15.56	114
Extremadura	10	15.39	51	10	15.38	55
Galicia	10	11.76	75	10	13.33	65
Madrid	24	23.76	77	29	28.18	74
Murcia	5	11.11	40	5	11.11	40
Navarra	9	18.00	41	9	18.00	41
La Rioja	6	18.18	27	7	21.21	26
Valencian Community	12	13.48	77	22	24.72	67
Basque Country	13	17.33	62	14	15.67	61
Total	168	14.18	1.017	231	19.58	949

Source: Calculations based on data provided by the autonomous parliaments.

In May 1993, the only regional presidency that was occupied by a woman was that of the Autonomous Community of Murcia; currently, there are no women regional presidents. In 1993, 9.15 per cent of ministers were women; today, 11.4 per cent are women (table 7.2).

Table 7.2. Female participation in autonomous governments

Community	1993			1996		
	Women	Percentage of women	Men	Women	Percentage of women	Men
Andalusia	2	20.00	8	3	27.27	8
Aragon	1	12.50	7	0	0.00	6
Asturias	2	25.00	6	1	16.67	5
Balearic Islands	0	0.00	11	1	11.11	8
Canary Islands	0	0.00	10	0	0.00	10
Cantabria	0	0.00	9	1	10.00	9
Castilla-León	0	0.00	7	2	25.00	6
Castilla-La Mancha	1	11.11	8	1	12.50	7*
Catalonia	1	7.69	12	1	7.14	13
Extremadura	2	25.00	6	0	0.00	8
Galicia	0	0.00	12	1	9.09	10
Madrid	1	10.00	9	1	14.29	6
Murcia	1	12.50	7	1	12.50	7
Navarra	0	0.00	10	0	0.00	9
La Rioja	3	33.33	6	1	16.67	5
Valencian Community	0	0.00	9	1	12.50	7
Basque Country	1	7.69	12	2	20.00	8
Total	15	9.15	149	17	11.41	132

Source: Calculations based on data from the senior post lists for May 1993 and March 1995.

* Following the Spanish municipal elections of May 1995, there are more women councillors and mayors; the increase is important as there has been a major step forward in the provincial capitals: from one woman mayor (Valencia) to six (Valencia, Seville, Zaragoza, Málaga, Cadiz and Avila). Moreover, from 1991 to 1995, the number of women in municipal councils increased by 1.6 per cent.

There were 393 women mayors in 1991 and 529 in 1995.

The greatest percentage of women mayors - above the national mean - is to be found in the municipalities of the communities of Madrid (10.6 per cent), the

Balearic Islands (10.4 per cent), the Basque Country (8.8 per cent), Castilla-La Mancha (8.6 per cent), La Rioja (8.0 per cent), Castilla y León (7.6 per cent), and Aragon (7.9 per cent). The lowest percentage is in the Canary Islands (2.3 per cent).

Compared to the data for 1991, the percentage of women mayors has increased in all regions of Spain, except Cantabria, Navarra and the Basque Country. There was no change in Asturias and the Canary Islands (table 7.3).

Table 7.3. Women mayors in autonomous communities

	Number of municipal councils		Women mayors		Percentage of women mayors	
Community	1991	1995	1991	1995	1991	1995
Andalusia	768	770	14	30	1.8	3.9
Aragon	729	729	36	50	4.9	6.9
Asturias	78	78	3	3	3.8	3.8
Balearic Islands	67	67	5	7	7.5	10.4
Canary Islands	87	87	2	2	2.3	2.3
Cantabria	102	102	4	3	3.9	2.9
Castilla-León	2 248	2 248	123	170	5.5	7.6
Castilla-La Mancha	915	915	62	79	6.8	8.6
Catalonia	942	944	34	44	3.6	4.7
Extremadura	380	382	16	22	4.2	5.8
Galicia	313	314	11	14	3.5	4.5
Madrid	179	179	15	19	8.4	10.6
Murcia	45	45	2	3	4.4	6.7
Navarra	271	272	14	14	5.2	5.1
La Rioja	174	174	10	14	5.7	8.0
Valencian Community	540	540	19	33	3.5	6.1
Basque Country	248	250	23	22	9.3	8.8
Total	8 086	8 096	393	529	4.9	6.5

Source: Ministry of Public Administration, 1991.
Ministry of Justice and the Interior, 1995.

According to data from the Civil Service Directorate, there were a greater number of women at the most senior levels of the state administration (level 30), in absolute numbers, between 1995 and 1996, as a result of the establishment of new under-secretariats. Women represented 13.10 per cent of senior officials in 1991, 14.24 per cent in 1995, and 14.20 per cent in 1996.

The distribution of women at the different ministries shows that some sexist patterns do exist. There are more women at the Ministries of Social Affairs, Culture, Relations with Parliament, and Education and Science, while there are fewer (under 10 per cent) at the Ministry for Foreign Affairs, and the Ministries of Defence, and Public Works and Transport.

From 1993 to 1995, there was an increase in relative terms of the number of women occupying senior positions in the Executive, which are political appointments. This increase can be seen in both the Cabinet (20.0 per cent) and in the State secretariats (25.0 per cent) and under-secretariats (9.09 per cent), with a slight decrease in the directorates-general (13.75 per cent). However, in March 1996 there was a slight decrease compared to the data for the previous year, as can be seen in table 7.4.

Table 7.4. Women in senior positions in the executive

	1995			1996[a]		
	Total	Women	Percentage of women	Total	Women	Percentage of women
Cabinet	15	3	20.00	15	3	20.00
State secretariats	20	5	25.00	22	5	22.73
Under-secretariats	22	2	9.09	41	3	7.32
Directorates-General	269	37	13.75	267	38	14.23
Other senior positions	11	1	9.09	-	-	-
Total	337	48	14.24	345	49	14.20

Source: Ministry of Public Administration and calculations on the basis of official data.

[a] Data to 25 March 1996.

With regard to the participation of women in the Judiciary, in 1995 there were more women in the professional categories of clerks of the court (second and third category) and lawyers.

In the same year, women magistrates represented the lowest proportion in relation to men, only 27.5 per cent. Moreover, there were no women in the Supreme Court.

Table 7.5. Female participation in the judicial system, 1995

	Women	Percentage of women	Men	Percentage of men
Prosecuting attorneys (1)	509	41.31	723	58.69
Clerks (2)	1 295	56.30	1 005	43.70
1st Category	9	20.45	35	79.55
2nd Category	1 055	57.49	780	42.51
3rd Category	231	54.87	190	45.13
Lawyers (3)	3 644	51.70	3 405	48.30
Total Judges (4)	1 050	31.03	2 334	68.97
Judges	338	48.22	363	51.78
Magistrates	712	27.55	1 872	72.45
Supreme Court	0	0.00	99	100.00

Sources:

(1) Data provided by the Office of the State Attorney-General.

(2) Calculated on the basis of data provided by the Ministry of Justice and the Interior.

(3) Data provided by the General Council of the Spanish Bar Association.

(4) Data provided by the General Council of Justice.

Women are very poorly represented in trade unions. According to data from Women Workers and Unions in Europe on the two major unions, women represented only 18 per cent of the members of the Unión General de Trabajadores and only 13 per cent of the members of Comisiones Obreras in 1992.

There has been an increase in the participation of women in women's associations. According to the database of the Institute for Women's Issues, the number of such entities registered in recent years has increased to 2,796; of these 180 are national and 2,616 regional.

Article 8

The number of Spanish women in the European Parliament doubled between 1989 and 1995 from 15 to 32.8 per cent. In absolute terms, in 1989 there were 9 women and in 1995 22.

In 1995 the percentage of Spanish women was higher than the average for women in the European Parliament (38.21 per cent as against 27.64 per cent) (see table 8.1).

Table 8.1. Participation of Spanish women in the European Parliament

	1989			1995		
	Seats	Women	Percentage of women	Seats	Women	Percentage of women
Spain	60	9	15.00	64	21	32.81
Europe	518	100	19.31	626	173	27.64

Source: Calculations on the basis of "Women and political power", Inter-Parliamentary Union, 1991, and data provided by the Spanish Office of the European Parliament, 1995.

III. ARTICLES 10 TO 14

III.1. Legislative measures

Education

With regard to appropriate measures to amend or eliminate laws, regulations, customs and practices constituting discrimination against women, it has to be said that all the reforms covered by this report constitute appropriate measures for this purpose; however, we believe that education is the most important sphere in this respect and therefore draw attention to the following:

Article 2 of Organic Law No. 1/1990 of 3 October, concerning the general regulation of the education system, stipulates, as one of the principles to which education must pay heed, the effective equality of rights between the sexes and the rejection of any kind of discrimination. Article 57 of this same Law provides that in the production of teaching materials care shall be taken to eliminate any kind of discriminatory stereotypes which may impair the equality of rights between the sexes.

Royal Decrees Nos. 1006 and 1007 of 14 June 1991 and Royal Decree No. 1330 of 6 September 1991 establish the basic components of the curriculum of nursery education and the minimum content of compulsory primary and secondary education. The following are the most important aspects of these Royal Decrees as they affect the principle of equality of opportunity:

- Development of the principle of respect and solidarity between the sexes;
- Enhancing the status of household tasks and activities and of the provision of personal care, which must be shared by women and men;
- Study of emotional and sexual relations without prejudices or stereotypes;
- Analysis of the sexist use of language with a view to changing it;
- Acknowledgement and appreciation of women's contributions to society;
- Modification of roles and prejudices which convey a stereotyped image;
- Recognition of feminism as a contemporary ethical project.

Royal Decrees Nos. 1333, 1334 and 1335 of 3 September 1991 supplement the ones mentioned above with respect to the content of the programmes and to the evaluation criteria.

In accordance with these principles and the Second Plan of Action for Equal Opportunities for Women, an Order was issued on 21 January 1991 establishing the "Emilia Pardo Bazán" national awards for non-sexist teaching material.

A resolution of 17 January 1995 expanded the range of optional subjects in compulsory secondary education, now including, "Social roles of women and men", in order to provide students with the necessary keys to an understanding of the processes of change in the role assigned to women; this is having an impact on personal relations between men and women in terms of altering the roles played by the two sexes up until now.

An Order of 22 March 1995 adapted the titles of official academic qualifications to reflect the gender of their recipients. As the preamble of the Order indicates, the purpose is to avoid discrimination on the ground of sex and to give a proper image of women; this has conveyed to important sectors of Spanish society and to the education authorities the idea that, consistent with the policy of encouraging proper use of language, the necessary action should be taken to ensure that the titles of official academic qualifications reflect the gender of their recipients.

Reforms in the social code

It must be stressed that it is in this area that most changes or innovations designed to ensure equality of opportunities for women have been introduced. One of the reasons for this is that Spain is a member of the European Union, so that the Spanish State has an obligation to incorporate Community law into its domestic law.

Legislation on employment

Act No. 20/1992 of 30 July, concerning urgent measures to promote employment and provide protection in the event of unemployment, seeks to strengthen job-creation policies intended to encourage the hiring for indefinite periods of population groups, for example women, experiencing special difficulties in finding work. The incentives which may be provided in order to attain this objective are matched to the level of difficulty in finding work associated with the age or sex of the job-seeker.

A subsidy of 500,000 pesetas is provided for each open-ended contract given to a woman registered as unemployed for at least one year in occupations or trades in which women are under-represented, or to unemployed women aged over 25 who, having earlier held a job, wish to resume working after a break of at least five years, provided that their hiring by the enterprise is not compulsory under a law or agreement.

An Order of 6 August 1992 approved the list of occupations and trades in which women are regarded as under-represented for the purposes of subsidizing their employment.

This subsidy was maintained in Act No. 10/1994 of 19 May, concerning urgent employment-promotion measures.

In addition, Royal Decree No. 631/1993 of 3 May, which regulates the National Vocational Training and Employment Plan (FIP Plan), provides for a range of occupational training activities for unemployed workers, with a view to equipping them with the qualifications required by the production system and

providing them with jobs, when these persons lack any specific vocational training or their qualifications are unsuitable or insufficient. There is a number of groups of such workers who prefer to participate in the FIP Plan activities, including unemployed persons experiencing special difficulties in finding work or resuming work, in particular women seeking to re-enter the labour market.

Continuing the policy initiated in 1989 and in accordance with the FIP Plan, an Order of 4 June 1993 regulated the conditions which must be complied with in the vocational training programme for single women with family responsibilities who are experiencing special difficulties in finding work and for women immigrants.

The Institute for Women's Issues collaborates in this programme by providing scholarships and assistance to the participants, of both categories, from its scant economic resources.

One of the objectives of the Second Plan of Action for Equal Opportunities for Women is to encourage affirmative action within enterprises and to promote access for women to decision-making posts in public enterprises by concluding agreements on the implementation of an equal opportunity plan in the enterprise. Pursuant to this policy, an agreement was concluded with the INI/TENEO Group on 9 December 1993 and an Order was issued on 29 July 1994 establishing scholarships to enable women to gain work experience in enterprises of this Group. The scholarships are awarded by the Institute for Women's Issues to women seeking work who are either unemployed or want a better job on a par with their level of training.

An Order of 25 January 1996 established the Institute for the Promotion of Equality of Opportunities between Men and Women. The national Institute for Women's Issues and the Basque Institute for Women's Issues have agreed to establish jointly the OPTIMA Equal Opportunities Programme which, as part of the Community's Employment-NOW initiative, is intended to encourage and support organizations and enterprises in affirmative action to facilitate the recruitment, long-term employment and advancement of women. The OPTIMA Programme is also designed to encourage the dissemination of the practical experience of enterprises carrying out equal opportunity policies.

The Institute for the Promotion of Equality of Opportunities was created both to recognize the activities of organizations working for equality and to secure the maximum publicity for the initiatives taken by enterprises in this regard.

Labour legislation

Act No. 8/1992 of 30 April amends the Workers' Statute and the Act on Measures for the Reform of the Public Administration with regard to leave. It allows a worker or public official to elect to take the leave provided for in the legislation in question in the case of the adoption of a child aged 9 months to 5 years, either on the basis of an administrative or judicial fostering decision, or on the basis of a judicial resolution establishing the adoption.

Act No. 11/94 of 19 May amends article 28 of the Workers' Statute with respect to remuneration, replacing the words "equal work" with "work of equal value", in accordance with the Second Plan of Action for Equal Opportunities for Women and with Community law.

Act No. 4/1995 of 23 March regulating parental and maternity leave was published on 24 March 1994. It approves a leave of absence to care for a child of up to 3 years of age, with the right to retain the same position during the first year and the right to return to a job in the same professional group or an equivalent category after the first year.

Under the regulatory provisions in question, which cover public officials and thus amend the Public Administration Reform Act, the leave of absence is regarded as a situation similar to dismissal for the purpose of obtaining unemployment benefits.

Article 167.1 (b) of the General Social Security Act, established by Act No. 26/1990 of 20 December, whereby provision was made for non-contributory social security benefits, and included in article 180 of Royal Decree No. 1/1994 of 20 June adopting the revised text of the General Social Security Act, indicates with respect to the method of contribution in connection with child benefits that "the first year, with job conservation, of the leave of absence that workers may, in accordance with the applicable legislation, take for the care of each child will be regarded as a period of effective contribution".

With the amendment in question, a leave of absence for childcare may not be calculated as a period of contributory employment in order to obtain unemployment benefits.

A worker's right to attend training courses and to enter into temporary contracts to replace workers who are on a leave of absence, with a right to a reduction in the employers' social security contributions, is also regulated. When such contracts are entered into with persons receiving unemployment benefits, on either a contributory or a welfare basis, and who have been receiving such benefits for more than one year, the amount of the reduction is: 95 per cent during the first year, 60 per cent during the second year and 50 per cent during the third year.

All these reforms have been included in the new revised text of the Workers' Statute Act, adopted by Royal Legislative Decree No. 1/1995 of 24 March, currently in force.

Lastly, during the period under consideration Spain denounced the following as violations of the principle of equality: on 6 May 1991, article 8, subparagraph 4 (b), of the European Social Charter, prohibiting the employment of women workers in underground mining, and, as appropriate, on all other work which is unsuitable for them by reason of its dangerous, unhealthy or arduous nature; and, on 26 March 1991, International Labour Organization Convention No. 89 on night work for women employed in industry.

Social legislation

Royal Decree-Law No. 7/1989 of 29 December was issued in accordance with Community law; this decree-law was replaced by Act No. 5/1990 on urgent budgetary, financial and taxation measures, which established that, from May 1990, a spouse who is able to prove his/her status as his/her spouse/employer's employee may be registered with Social Security as a worker for the account of a third party.

An Order of 18 July 1991 of the Ministry of Labour and Social Security establishes that workers who work a shorter day with a proportionate decrease in salary in order to take care of a child under six years of age, or of a person under their legal custody who is physically or mentally handicapped, may enter into a special agreement with Social Security in order to ensure that the basis on which their contributions are calculated remains the same as the basis on which they contributed before the reduction in the length of their workday.

The contribution to be made under such a special agreement is that corresponding to circumstances relating to retirement, permanent invalidity, and death and survivorship resulting from common illness or accident outside the workplace. Workers who enter into a special agreement are regarded as being in a situation similar to dismissal with regard to overall coverage under the corresponding Social Security regime.

All these matters are dealt with in Royal Decree No. 2064/1995 of 22 December which adopts the General Regulations on contributions and settlement of other social security claims.

This Decree also establishes the obligation to pay contributions during a temporary incapacity, whatever the cause, as well as during periods of maternity leave, even though both instances are the reason for the suspension of the labour relationship.

Act No. 42/1994 of 30 December, on fiscal, administrative and social measures, introduces a new chapter IV bis into section II of the revised text of the General Social Security Act adopted by Royal Legislative Decree No. 1/1994 of 20 June. This makes maternity leave a specific leave of absence, in accordance with the Second Plan of Action for Equal Opportunities for Women (1993-1995). The Act also raises the maternity allowance to 100 per cent of the corresponding regulatory base.

Maternity protection

Maternity protection for women workers is covered by Spain's legislation, especially the Workers' Statute, the Social Security Act, and the new Prevention of Labour Risks Act. There are also other laws which make provision for maternity protection in general, whether a woman is working or not.

It is appropriate to begin by examining Act No. 3/1995 of 8 November, on prevention of labour risks, as it is the most innovative.

This Act regulates a new type of leave, "for the time required for technical and prenatal examinations in preparation for childbirth, which have to be carried out during the workday"; provision for such leave was included in the Workers' Statute, by means of the eleventh additional provision.

The Act also contains an article headed "Maternity protection", which provided that risk evaluation, in the case of any activity which could present a specific risk, should include both determination of the nature, degree and duration of the exposure of pregnant workers and those who have recently given birth or who are nursing, and an assessment of working procedures or conditions which could have a negative influence on the health of the worker or the foetus. In such a case, the employer must take the necessary measures to avoid such risks and where appropriate assign the worker to a position compatible with her condition. Such measure include, where appropriate, not requiring her to work at night or in shifts.

The adoption of this Act finally repeals the Decree of 26 July 1957 identifying types of work prohibited for women and children, with regard to regulation of work carried out by women, while maintaining the provisions on child labour.

Moreover, there are a series of laws which regulate different aspects of maternity protection, including those described below.

Royal Decree No. 192/1988 of 4 March, on limits on the sale and use of tobacco in order to protect the health of the population at large, prohibits smoking in any workplace where pregnant women work.

Royal Decree No. 18/1991 of 30 December, on the installation and use of X-ray equipment for medical diagnosis, prohibits requiring pregnant workers to immobilize patients in rotation with other workers, where patients cannot be immobilized mechanically.

With regard to health protection against ionizing radiation, a regulation establishing radiation limits was adopted by Royal Decree No. 53/1992 of 24 January. Nursing mothers are thus prohibited from carrying out work involving significant risk of contamination. The same law establishes that non-observance of these regulations is a very serious offence, punishable by a fine of 7,000,001 to 100,000,000 pesetas.

Royal Decree No. 63/1995 of 20 January, which regulates the national health system's health services, makes specific reference to women under primary care. This includes early care and follow-up during pregnancy, preparation for childbirth, a visit during the first month after childbirth, identification of groups at risk, early diagnosis of gynaecological and breast cancer, and treatment of the pathological complications of menopause. The foregoing coincides, in part, with the objectives of the Second Plan of Action for Equal Opportunities.

III.2. Changes in the status of women

Article 10

As pointed out in the previous report, Spain's educational system is based on the principle of equal opportunity, and public education is compulsory, coeducational and free for children aged 6 to 16.

The gross enrolment ratio for females at the end of the academic year 1990/91 showed an increase at all levels compared with earlier academic years.

Data for the academic year 1993/94 show that, in general, when the percentages of females and males enrolled at all educational levels are compared, females accounted for nearly 50 per cent (see table 10.1).

Table 10.1. Enrolment at the various educational levels, by sex, 1993/94

	Total	Females	Males	Percentage of females
Total	9 311 076	4 613 339	4 697 737	49.55
Infant/pre-school education	1 083 330	527 860	555 470	48.73
Primary school (general basic education) (EGB)	4 280 938	2 060 549	2 220 389	48.13
Compulsory secondary education	180 352	87 905	92 447	48.74
BUP and COU	1 467 805	794 178	673 627	54.11
Experimental baccalaureate	46 174	21 317	24 857	46.17
LOGSE* baccalaureate	33 108	17 619	15 489	53.22
BUP and COU distance learning	47 961	25 717	22 244	53.62
Vocational training	847 783	399 381	448 402	47.11
Vocational modules II[a]	15 217	7 151	8 066	46.99
Vocational modules III[a]	16 412	8 086	8 326	49.27
Short university cycle[b]	873 848	459 207	414 641	52.55
Long university cycle[b]	416 673	203 920	212 753	48.94
University-specific degrees[b]	1 475	449	1 026	30.44

* Translator's note: Organic Law for the General Organization of the Education System.

Source: Calculations based on data from the Anuario de Estadística Universitaria 1993/94, Ministry of Education and Science, and from Estadística de la Enseñanza en España 1993/94, Ministry of Education and Science.

[a] Includes the distance learning option.

[b] Data for the academic year 1992/93.

Females accounted for over 50 per cent of the students enrolled in the Polyvalent Unified Baccalaureate (BUP) programme in June 1991; they also accounted for more than 50 per cent of students enrolled in the University Orientation Course (COU). At the end of the academic year, females represented a higher percentage of the student body at all levels compared with the previous academic year. During the academic year 1993/94, the percentage of females exceeded that of males among persons enrolled in all BUP and COU programmes and in the short university course, as shown in table 10.1.

Women accounted for 43.6 per cent of vocational training graduates in the academic year 1990/91, which means that there were more men. This trend continued in the academic year 1993/94, when women represented 43.3 per cent of students enrolled.

The majority of female vocational training graduates chose to study administration; these figures scarcely changed between 1991 and 1994.

In both 1991 and 1994, the number of female vocational training graduates in what are traditionally considered to be "men's" fields was very low, i.e., only 1 per cent in the automotive industry and 2.5 per cent in the maritime fishing industry, electrical trades, construction and mining.

However, the number of women preparing for work in the chemical industry increased significantly, from 48.47 per cent in 1991 to 52.5 per cent in 1994. These figures would seem to indicate that women are starting to enter what was predominately a male-dominated field.

However, over 90 per cent of the students enrolled in what customarily have been deemed "women's" fields are women: domestic science, fashion and tailoring and hairdressing. Although in both absolute and relative terms women continue to be well represented in health care, the number of women graduating in this field declined from 87.08 per cent in 1991 to 84.08 per cent in 1993; the fact that men have begun to occupy auxiliary health-care positions may be indicative of a shifting trend in this field.

It also should be noted that the number of women obtaining qualifications for the textile trades decreased between 1991 (84.07 per cent) and 1994 (52.14 per cent). Thus, there are fewer women in absolute numbers in this field compared with the overall number of male and female vocational training graduates, which reflects the fact that fewer women who have received vocational training are entering what traditionally has been a women's field (see table 10.2).

With regard to university instruction, in 1991 the proportion of women enrolled in all courses at university faculties and colleges was higher than that of men (68.81 per cent compared with 57.42 per cent), while it was lower in the higher technical schools (2.62 per cent compared with 10.65 per cent) and in the university schools (28.57 per cent compared with 31.93 per cent). However, the trend appeared to have begun shifting, as there was a significant increase in the number of women at the latter two groups of schools, while the percentage of women enrolled in first-year university classes, particularly at the

university schools, was 10 points higher (39.35 per cent) for all women enrolled in all courses of study.

Furthermore, the women at the university schools were more academically successful than the men, since a higher proportion of them completed their studies (40.5 per cent compared with 32.57 per cent), a further example of the increasing decline in the number of women leaving school. In the higher technical schools, the failure rate for women was higher, although that index has gradually been declining since 1991.

During the academic year 1992/93, 51.9 per cent of the university student body were women; they predominated in the humanities (66.8 per cent) but were in the minority in technical studies (22.6 per cent), as may be seen in table 10.3.

Table 10.2. Vocational training graduates, by sex and field

	Academic year 1990/91			Academic year 1993/94		
	Total	Women	Percentage of women	Total	Women	Percentage of women
Total number of persons enrolled	285 189	124 294	43.58	256 660	111 138	43.30
Administration	117 681	76 610	65.10	109 808	72 425	65.96
Agriculture	5 327	1 249	23.45	3 797	804	21.17
Graphic arts	1 731	305	17.62	1 571	310	19.73
Automotive industries	21 158	142	0.67	19 008	173	0.91
Construction	507	12	2.37	454	11	2.42
Drafting	11 720	3 683	31.42	11 802	3 866	32.76
Electrical trades	63 447	1 528	2.41	57 031	1 032	1.81
Domestic science	6 887	6 605	95.91	6 109	6 059	99.18
Hotel and catering trade	3 819	1 627	42.60	4 261	1 832	42.99
Audio-visual	3 113	1 128	36.24	3 396	1 180	34.75
Carpentry	1 355	64	4.72	1 171	28	2.39
Maritime fishing	181	2	1.10	132	2	1.52
Metalworking	12 800	381	2.98	10 816	248	2.29
Mining				59	1	1.69
Fashion and tailoring	1 534	1 418	92.44	974	935	96.00
Hairdressing	13 947	13 151	94.29	8 208	7 854	95.69
Leather trades	93	31	33.33	70	25	35.71
Chemical industry	2 445	1 185	48.47	2 339	1 228	52.50
Health care	17 125	14 912	87.08	15 537	13 064	84.08
Textiles	226	190	84.07	117	61	52.14
Glass and ceramics	93	71	76.34			

Source: Vocational Training, Ministry of Education and Science.

Table 10.3. Student enrolment at the university level, by sex and field of study, 1992/93

	Total	Women	Men	Percentage of women
All subjects	1 291 996	671 063	620 933	51.94
Humanities	127 386	85 208	42 178	66.89
Social sciences and law	692 378	397 771	294 607	57.45
Experimental sciences	102 040	49 540	52 500	48.55
Health sciences	103 565	69 679	33 886	67.28
Technology	265 152	60 083	205 069	22.66
University-specific programmes	1 475	449	1 026	30.44

Source: Calculations based on data from the Anuario de Estadística Universitaria 1993/94, Ministry of Education and Science.

As table 10.4 indicates, in 1995 in Spain 5.49 per cent of the women took first-cycle university studies compared with 4.45 per cent of the men. In the case of second-year studies, the percentage was almost the reverse: women at that level accounted for 3.73 per cent of all women while men accounted for 5.16 per cent of all men.

As table 10.4 shows, the highest percentage of women had only a primary school education in 1991, i.e., 37.9 per cent; the figure for men with that level of education was 38.2 per cent. These percentages declined in 1995; for women to 33.11 per cent, and for men to 32.73 per cent. Both these decreases were accompanied by an increase at the intermediate level (intermediate studies and intermediate technical training); for women the increase was more than 8 points, from 25.3 per cent to 33.45 per cent. The percentage of men at the intermediate level increased from 28.57 per cent in 1991 to 37.69 per cent in 1995. This represents the highest percentage in both cases.

Table 10.4. Educational level of the population aged 16 and over, by sex

	1991			1995		
	Both sexes	Percentage of women	Percentage of men	Both sexes	Percentage of women	Percentage of men
Total	30 651 500	100.00	100.00	31 996 800	100.00	100.00
Illiterate	1 609 700	7.40	2.98	1 287 500	5.57	2.36
No schooling	4 986 700	17.60	14.79	4 528 200	15.57	12.63
Primary	11 671 400	37.90	38.22	10 534 800	33.11	32.73
Intermediate	8 233 100	25.30	28.57	9 839 000	29.11	32.52
Intermediate vocational technical				1 515 900	4.34	5.17
Higher vocational technical				1 245 300	2.98	4.87
Vocational training	1 786 500	4.60	7.11			
Pre-university	1 299 400	4.50	3.93	36 700	0.11	0.12
First-cycle university				1 596 400	5.49	4.45
Higher cycles	1 064 800	2.60	4.40			
Second and third cycle university[a]				1 413 000	3.73	5.16

Source: Survey of the Economically Active Population.

[a] Includes post-secondary studies not leading to university equivalence certificates.

It is relevant to note the impact during this five-year period of the Life-long Education Plan (1990-1991), under which the Women's Institute and the Ministry of Education cooperated in developing activities for the benefit of women who had not had adequate educational opportunities and wished to begin or continue their training. A package of teaching materials entitled "Another Way" was developed for the programme along with classroom audio-visual materials concerning education, health, work and political participation. One example of the Plan's impact has been the decline in the percentage of women who are illiterate or have had no schooling.

In general, the percentage of women teachers (57.41 per cent of the total) was higher in 1993 than that of men. Nevertheless, there is some discrimination against women, since they account for the highest percentage of teachers at the lowest levels of the educational system, representing 97 per cent of pre-school teachers, 75 per cent of special education teachers and 65.3 per cent of general basic education (EGB) teachers, whereas women account for only 50 per cent of the teachers at all other educational levels.

Table 10.5. Teachers by field, level and sex, 1993/94

	Both sexes	Women	Percentage of women
General total	560 532	321 801	57.41
Infant/pre-school education	51 654	49 634	96.09
Primary school/general basic education (EGB)	227 649	148 632	65.29
Special education[a]	5 852	4 392	75.05
Intermediate/secondary school education	175 561	85 217	48.54
Teaching of special curricula	15 419	7 554	48.99
Other secondary-school education[b]	641	47	7.33
Distance learning	672	315	46.88
Adult education	11 787	4 712	38.98
University education[c]	71 297	21 410	30.03

Source: Calculations based on data in Estadística de la Enseñanza en España 1992/93, Ministry of Education and Science, and in Estadística de la Enseñanza Superior en España.

[a] Comprises total teaching staff of separate centres and special education units in ordinary institutions.

[b] Includes agricultural training courses and military education for non-commissioned officers.

[c] Data from the academic year 1992/93.

Women represented 58.16 per cent of those holding scholarships from the Ministry of Education and Science in the academic year 1992/93. Women received the majority (59.66 per cent) of the highest grades (table 10.6).

Table 10.6. Number of male and female scholarship students at university, by sex and grade average

	Total[a]	Grades 4-5	>5-6	>6-7	>7-8	>8-9	>9-10	No reply
Women	120 834	15 822	42 734	36 395	17 037	5 536	644	2 666
Men	86 908	16 574	30 333	23 056	10 709	3 383	534	2 319
Percentage of women	58.16	48.84	58.49	61.22	61.29	62.07	54.48	53.48

Source: Calculations based on data from the Anuario de Estadística Universitaria 1993/94, Ministry of Education and Science.

[a] Data from the Basque Country is not included.

Regarding the emphasis given to physical education for Spanish women, based on data from the 1993 National Health Survey, a higher percentage of women than men engaged in "moderate" physical exercise. About 21 per cent of the women surveyed considered themselves "inactive" while only about 17 per cent of the men sampled considered themselves inactive.

Table 10.7. Physical exercise by sex

	Total	Percentage of women	Percentage of men
Inactive	19	21	17
Moderate	38	45	31
Regular	34	30	37
Intense	9	3	14
No reply	1	1	1

Note: Survey sampling: 21,028.

Source: Calculations based on data from the 1993 National Health Survey of Spain, Ministry of Health and Consumer Affairs.

Article 11

In this area, the relative advancement of women beyond their previous status, when they were mainly engaged in household tasks and the care of sons and daughters, has been striking.

The working female population has been showing a continuous, though slight, increase, from 32.5 per cent of the total working population in 1991 to 34.77 per cent in 1995. The ratio of working men, instead, has declined during this same period by 1.52 percentage points.

The majority of working women worked in the service sector in both 1991 and 1995, comprising, respectively, 42.98 per cent and 45.51 per cent of the total working population.

In the construction sector, the presence of women is lower than in any other sector, even though there was an upward trend between 1994 (3.27 per cent) and 1995 (3.93 per cent).

In the industrial sector, the percentage of working women went from 22.17 per cent in 1991 to 21.93 per cent in 1995.

In the agricultural sector, there was a rise of 1 percentage point between the reference years (1991-1995).

The data furnished reflect a shift in the Spanish economy towards a service economy and a growing participation by women in the service sector (table 11.1).

Table 11.1. Economically active population engaged in major sectors of activity, by sex

	1991			1995		
	Total	Women	Percentage of women	Total	Women	Percentage of women
Total	12 558 900	4 081 300	32.50	12 142 700	4 222 400	34.77
Agriculture	1 274 600	334 100	26.21	1 075 000	292 400	27.20
Industry	2 880 100	638 500	22.17	2 493 800	546 900	21.93
Construction	1 268 500	41 500	3.27	1 140 400	44 800	3.93
Services	7 135 700	3 067 200	42.98	7 433 500	3 383 300	45.51

Source: Survey of the Economically Active Population, fourth quarter.

The proportion of women in the labour force is always lower than that of men, in any age group (table 11.2).

In 1991, the highest percentages of women were found in the youngest age groups, basically between 20 and 29 years of age, even though rates higher than 50 per cent were registered for women up to 39 years of age. In 1995, the most active group of women was the one between 25 and 29 years of age, but in the group aged 20 to 44 there were more over-50-per-cent rates for working women. The employment rates for men are always higher at all ages.

Table 11.2. Rates of economic activity by sex and age group

	1991		1995	
	Women	Men	Women	Men
Total	33.85	65.47	36.48	62.77
From 16 to 19	26.82	32.26	21.63	25.97
From 20 to 24	61.03	70.22	58.07	63.51
From 25 to 29	65.92	90.77	73.35	87.97
From 30 to 34	58.44	95.85	63.06	94.44
From 35 to 39	53.36	96.55	60.60	95.41
From 40 to 44	43.54	95.56	54.46	95.08
From 45 to 49	36.71	93.42	44.63	93.49
From 50 to 54	31.28	88.85	35.35	87.85
From 55 to 59	23.43	76.75	25.88	71.43
From 60 to 64	15.98	47.16	15.37	41.43
From 65 to 69	3.04	7.47	2.90	5.71
70 and above	0.58	1.05	0.59	1.46

Source: Survey of the Economically Active Population, fourth quarter.

The changing rates of economic activity reflect a slight upward trend for women between 1991 and 1995. The unemployment rates for women are always higher than for men, but there was an upward trend in both groups between 1991 and 1995 (table 11.3).

Table 11.3. Trends in employment and unemployment rates, by sex (annual averages)

	Employment rates		Unemployment rates	
Year	Women	Men	Women	Men
1991	33.60	65.80	23.80	12.30
1995	36.48	62.77	30.22	18.10

Source: Bulletin of Labour Statistics, Ministry of Labour and Social Security.

It is important to take into account the nature of the employment, that is, the conditions of work, since these can reveal gender inequalities. In actual figures, in 1991, 11.37 per cent of all employed persons of both sexes were women employed part time, as compared to 1.5 per cent for men with part-time contracts; in 1995 the figures were, respectively, 16.5 per cent and 3 per cent. In terms of a trend, part-time contracts are on the rise in both groups, which leads to the conclusion that the increasing precariousness of employment is affecting both women and men, but not to the same extent (table 11.4).

Table 11.4. Employed labour force, by type of work week and sex

	1991				1995			
	Total	Women	Percentage of women	Percentage of men	Total	Women	Percentage of women	Percentage of men
Employed labour force	12 558 900	4 081 300	100.00	100.00	12 142 700	4 222 400	100.00	100.00
Full-time	11 957 900	3 615 600	88.59	98.40	11 201 100	3 525 000	83.59	96.91
Part-time	591 000	464 000	11.37	1.50	934 500	695 800	16.47	3.01
Not classifiable	10 000	1 700	0.04	0.10	7 000	1 600	0.03	0.06

Source: Survey of the Economically Active Population, fourth quarter.

Another condition of work is whether it is permanent or temporary. The figures show that more women are involved in temporary employment, because out of the total of wage-earning women, 39.47 per cent were employed part time in 1991 and 37.5 per cent in 1995, as opposed to 30.27 per cent of men in 1991 and 32.86 per cent in 1995.

Nevertheless, it must be pointed out that while the percentage of working women on temporary contracts is declining, during the same period the percentage of men has increase (table 11.5).

Table 11.5. Wage earners, by types of contract and by sex

	1991			1995		
	Total	Percentage of women	Percentage of men	Total	Percentage of women	Percentage of men
Wage earners	9 346 800	100.00	100.00	9 028 300	100.00	100.00
Percentage temporary contracts	3 111 000	39.47	30.27	3 115 300	37.50	32.86
Other	6 235 800	60.53	69.73	5 913 000	62.50	67.14

Source: Survey of the Economically Active Population, fourth quarter.

With respect to the economically inactive population, the majority of economically inactive women were classified under the category household work in both 1991 and 1995 (57.77 per cent and 52.67 per cent, respectively); their numbers are declining. On the other hand, the majority of economically inactive men were retirees or pensioners; the corresponding percentages recorded were 59.18 per cent and 56.95 per cent in 1991 and 1995, respectively.

The second largest economically inactive group in both years, for both women and men, was that of students (table 11.6).

Table 11.6. Economically inactive population, by sex and type of inactivity

	1991				1995			
	Total	Women	Percentage of women	Percentage of men	Total	Women	Percentage of women	Percentage of men
Total	15 461 300	10 550 700	100.00	100.00	16 106 600	10 538 100	100.00	100.00
Students	2 546 500	1 366 500	12.95	24.03	3 075 000	1 630 400	15.47	25.94
Retirees or pensioners	4 082 200	1 176 100	11.15	59.18	4 415 400	1 244 300	11.81	56.95
Household work	5 128 100	6 095 300	57.77	0.67	5 581 700	5 550 200	52.67	0.57
Permanently disabled	615 900	250 800	2.38	7.43	704 100	311 800	2.96	7.04
Receiving a non-retirement benefit	1 749 600	1 566 800	14.85	3.72	1 881 200	1 712 700	16.25	3.03
Social work or non-remunerative charitable activities	1 900	1 500	0.01	0.08	3 300	1 500	0.01	0.03
Other	337 200	93 700	0.89	4.88	445 800	87 100	0.83	6.44

Source: Survey of the Economically Active Population, fourth quarter.

Although women still represent a minority in economic decision-making bodies in the private sector, the participation of women employers and self-employed women increased between 1991 and 1995 from 14.84 per cent to 18.53 per cent in the case of employers, and from 27.39 per cent to 30.29 per cent in the case of self-employed women. The only occupational category where the percentage of women decreased is that of family help (table 11.7).

Table 11.7. Economically active population, by professional category and sex

	1991			1995		
	Total	Women	Percentage of women	Total	Women	Percentage of women
Total	12 558 900	4 081 300	32.50	12 142 700	4 222 400	34.77
Employers	520 100	77 200	14.84	599 600	111 100	18.53
Self-employed or independent workers	1 943 300	532 300	27.39	1 911 200	578 900	30.29
Members of cooperatives	95 900	23 500	24.50	106 300	25 100	23.61
Family help	618 500	376 500	60.87	469 100	282 300	60.18
Wage earners (public sector)	2 176 900	895 400	41.13	2 133 800	925 300	43.36
Wage earners (private sector)	7 170 000	2 162 300	30.16	6 894 500	2 286 400	33.16
Other	34 200	14 000	40.94	28 100	13 400	47.69

Source: Survey of the Economically Active Population, fourth quarter.

In order to achieve a more equitable division of family responsibilities, as set out in article 11 (c) of the Convention, the number of infants' schools has been increased since the submission of the previous report.

In late 1992, there were 7,199 places in infants' schools for children under three years old. In 1995, there were 964 more places. In 1994, there was a total of 8,982 public places.

Similarly, in order to eliminate discrimination against women in matters relating to the care of children, the above-mentioned Act No. 4/1995 allows fathers and mothers to request paternity/maternity leave.

However, as table 11.8 shows, 99.17 per cent of requests for maternity/paternity leave are made by mothers.

Table 11.8. Employed population on paternity/maternity leave during a particular week

	Total	Women	Men	Percentage of women
Total leave	470 800	185 600	285 600	39.42
Maternity/paternity leave	24 100	23 900	200	99.17
Percentage maternity/paternity leave	5.12	12.88	0.07	

Source: Calculations based on official data.

Article 12

In Spain, women have access to health care services on the same basis as men. The figures for 1990 already indicated that the entire population enjoyed social security coverage for public health care services.

The objectives of the bodies responsible for ensuring equal opportunities for women, especially the Institute for Women's Issues, include promoting improvements in the area of health.

Therefore, their activities have been aimed mainly at:

(a) Improving the dissemination of specific information for women in the area of health, through the preparation of technical reports, studies and health guides;

(b) Improving the awareness and training of health-care professionals;

(c) Strengthening institutional coordination mechanisms through conventions and modifications of conventions; inter alia, in 1992 the Institute for Women's Issues signed a framework cooperation agreement with the Ministry of Health and Consumer Affairs for prevention and promotion activities in the area of health and a cooperation agreement with the Directorate-General of the National Health Institute. In 1993, a cooperation agreement was concluded with the Centre for Analysis and Health Programmes.

According to the figures of the latest population census in Spain, conducted in 1991, the fertility rate was 2.4 children per non-single woman, falling to 1.6 in the case of university-educated women.

The number of intentional pregnancy terminations continues to rise in Spain in absolute terms. In 1991, 41,910 intentional terminations were performed, and 47,832 in 1994.

The number of abortions among teenagers represented 12.81 per cent and 13.79 per cent of total intentional terminations in 1991 and 1994 respectively. In most cases, physical and psychological health risks for the mother were given as a reason (table 12.1).

Table 12.1. Trends in intentional pregnancy terminations

	Intentional terminations performed	Intentional terminations performed on adolescents (15 to 19 years of age)	Percentage of adolescents
1991	41 798	5 355	12.81
1993	45 474	6 272	13.77
1994	47 832	6 598	13.79

Source: Ministry of Health and Consumer Affairs.

Between 1994 and 1995, there was an increase in the proportion of primary health-care coverage provided by the National Health Institute, a government agency which manages approximately half of the health budget. Services provided to women include the early detection of cancer and outreach to and care for pregnant women. Moreover, as table 12.3 shows, the provision of information on and monitoring of contraceptive use has doubled in a year, covering 333,033 persons.

In addition, there has been an 8.5 per cent increase in the care provided to women in the first month after childbirth. The National Health Institute currently has 163 maternity wards, and during 1995 a total of 103,152 babies were delivered throughout the network of public hospitals.

Table 12.3. Coverage of the census population by primary health care teams in women's health care services

National Health Institute total	1994		1995		Percentage increase 1994-1995
Type of service	Persons covered	Coverage (%)	Persons covered	Coverage (%)	
Outreach to and care for pregnant women	52 928	57.2	66 891	67.4	10.2
Monitoring of pregnant women	36 447	52.5	40 681	54.6	2.1
Preparation for childbirth	58 179	62.9	65 748	66.2	3.4
Visits in the first month after childbirth	50 841	54.9	62 918	63.4	8.5
Provision of information on and monitoring of contraceptive use	169 164	6.6	333 033	12.0	5.5
Immunization against German measles			159 441	9.2	9.2
Early detection of cervical cancer	281 335	13.6	325 447	14.7	1.1
Early detection of endometrial cancer	251 182	13.5	510 519	25.6	12.1
Early detection of breast cancer	144 449	9.6	219 427	13.6	4.0

Note: The Autonomous Communities of the Basque Country, the Canary Islands, Catalonia, Galicia and Valencia are not included.

Source: National Health Institute.

Article 14

In October 1994, in connection with the project 'Women taking a hand in rural development, 1994-1995', under the Second Plan of Action for Equal Opportunities for Women, a genuine debate began on the status of Spanish women in rural life. Various institutions and social groups were called upon to help achieve the targeted changes.

An Order of 20 January 1995 announced the funding of proposals by the National Institute of Agrarian Reform and Development for training to be provided by non-profit organizations, one of the objectives being better training of professionals of both sexes in the agri-foodstuffs sector and in rural activities generally. The Order was instrumental in setting up training courses, some of them exclusively for women, and others not exclusively for women but in which women enrolled heavily and were even in the majority.

The following women's associations received funds:

(a) The Asociación de Mujeres y Familias del Ámbito Rural (AMFAR) (Association of Rural Women and Families), which offered four courses on crafts, rural tourism, management of small- and middle-sized enterprises, and rural tourism and sustainable development;

(b) The Federación Nacional de la Mujer Rural (National Federation of Rural Women), which offered eight courses on geriatrics, applied data, management of agricultural businesses, processing (methods of conservation), looms and carpets, reclamation of natural areas, crafts making use of wicker, agave fibre and rye-straw, the use of looms. One hundred ninety-five women took these courses.

In addition to the two just mentioned, the following other associations, not exclusively women's groups but preponderantly made up of women, participated:

(a) Agroturismo, which has set up courses on agriculture, the environment and living earth themes;

(b) Plataforma Rural, which gave 10 courses throughout Spain on organic farming, which were taken by 340 students, approximately 40 per cent of them women.

In addition, 80 local, independent seminars were held to discuss the 'Charter for equal opportunities for women in rural life', drawn up jointly by all the institutions and groups that participated in the project mentioned earlier, 'Women taking a hand in rural development, 1994-1995'.

Some national workshops were also held in Madrid during March 1995.

IV. CONCLUSIONS

It is reasonable to conclude that the status of women has improved substantially since the submission of the previous report.

Their presence in public life has expanded considerably, in terms of the larger number of women who are not only representatives in parliaments, city administrations and local governments, but also in decision-making posts and assignments.

Similarly, women have increasingly begun to be active in other public areas of activity like women's associations or non-governmental organizations.

All this justifies the assertion that the process of change that began to gather momentum in the last decade is becoming entrenched and having a wider impact, breaking the male-centred character that public life has had until now.

While slow but sure advances can be discerned in politics, as clearly evidenced by the presence of Spanish women in the European Parliament, the changes that have occurred in education during this five-year period are very obvious. During this time, women have begun to be in the majority not only in receiving the Polyvalent Unified Baccalaureate (BUP), but in university faculties and colleges. There has also been an appreciable increase in women choosing options traditionally considered to be a male province, although more women still continue to enter feminized fields.

Likewise, a very positive development has been the decline in these last five years of illiterate middle-aged women.

The population of employed women has increased during the period under consideration, although the majority of them are still in feminized jobs and in the service sector; and fewer women of child-bearing age are now leaving their jobs, although part-time employment continues to be the case.

The social stereotype that women are unenterprising as a group seems to be fading, given the steady increase in the number of women entrepreneurs and employers during the last five years.

As regards health, efforts are still being made to promote campaigns for the prevention of diseases specific to women and also of unwanted pregnancies and sexually transmitted diseases.